IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:18-CV-419-FL

KUM HEE LEE,)	
D1-:4:66)	
Plaintiff,)	
v.)	ORDER
)	
MATTHEW WHITAKER, Acting)	
Attorney General of the United States,)	
and U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES,)	
)	
Defendants.		

This matter is before the court on defendants' motion to dismiss for lack of jurisdiction (DE 9). Plaintiff did not file a response in opposition to the motion, and the time to do so has passed. In this posture, the issues raised are ripe for ruling.

In support of the motion, defendants have attached several documents, which show on November 28, 2018, USCIS revoked plaintiff's I-140 immigrant petition for alien worker (DE 10-1), and on that basis denied plaintiff's pending I-485 application to register for permanent residence or adjust status on December 18, 2018 (DE 10-2). Plaintiff's complaint sought mandamus to compel defendants to adjudicate plaintiff's pending I-485 application, which has now been done. The issue is now moot, and the court lacks subject matter jurisdiction over this case.

Accordingly, defendants' motion to dismiss for lack of subject matter jurisdiction (DE 9) is GRANTED. Plaintiff's complaint is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED, this the 7th day of February, 2019.

LOUISE W. FLANACAN

United States District Judge